



**STATEMENT ON THE CONSIDERATION OF THE REAL ID ACT OF 2005 (H.R. 418)
IN THE HOUSE OF REPRESENTATIVES**

February 7, 2005

For over 123 years, the Hebrew Immigrant Aid Society (HIAS), the American Jewish Community's international migration agency, has helped newly arriving immigrants establish new lives in the United States. Among these new Americans have been hundreds of thousands of refugees resettled in Jewish communities around the country and thousands of asylum seekers who have fled to United States seeking protection from religious persecution and other forms of violence and abuse.

Based on this experience we are deeply concerned about the fast-track consideration of the REAL ID Act of 2005, H.R. 418.

Our principal concern with this legislation is the likely impact of Section 101 on refugees seeking safe haven in the United States. We believe that the current asylum system already contains significant safeguards to protect the security of the United States. These include a statutory bar on asylum for aliens who have engaged in terrorist activity or who are considered to be a danger to the security of the United States and extensive security reviews of asylum applicants by the Departments of Homeland Security and State, the CIA and the FBI. In fact, refugees undergo more levels of scrutiny and review than other classes of immigrants.

Furthermore, administrative and legislative asylum reform measures from the mid 1990s ended the practice of immediately issuing work authorization documents to asylum seekers, drastically reduced processing times in asylum cases, and instituted an expedited removal process for arriving aliens without proper documentation. With these measures in place it is unlikely that the abuses of the early 1990s, where asylum applicants could easily disappear undetected after filing their applications, will again pose such a significant threat to this country.

Instead of confronting the national security and humanitarian crisis of large-scale undocumented migration, a problem that requires a bipartisan effort at Comprehensive Immigration Reform, the REAL ID Act misrepresents issues of asylum security and threatens to compromise refugee protection. While it is an appropriate requirement of current U.S. law that immigration judges assess the credibility of applicants' claims, the proposed changes in the areas of assessing demeanor, insisting on corroborating evidence, and denying status based on inconsistencies with any previous statement, as well as changes to rules on the central motive for persecution, essentially limit the ability of vulnerable victims - not terrorists who are organized to abuse our system - to prove their claims. America's finest traditions in protecting refugees are not honored in this proposal where individuals who have suffered violence and trauma can be refused protection based on non-reviewable standards.

Other sections of the proposed legislation address a wide array of immigration matters of great importance to our nation. These extremely complicated and far-reaching provisions would have a dramatic impact on national security, civil liberties, environmental protection, immigration policy, and foreign relations. For example, one aspect of Section 103 is the elimination of the Attorney General's power to waive the material support for terrorist groups provision. Currently, this authority is the only way to facilitate the admission of Colombian victims of terrorism who have been extorted to pay ransom to organizations included on the U.S. terrorism list.

The significance of the issues addressed in this bill necessitates that it receive full and thorough review by Congress prior to final consideration by the House of Representatives. Immediate floor debate this week, just days after it was introduced and without hearings and other committee process intended to ensure that the proposals meet our nation's core principles and interests, is not appropriate for legislation of this magnitude. Moreover, the suggestion that this controversial legislation should be rushed through by attaching it to essential legislation to support our troops and assist victims of the recent tsunami disaster does not represent the type of measured consideration this proposal deserves.

In short, HIAS is fully committed to a secure refugee and immigration system. We are also keenly committed to maintaining a vibrant refugee program as a reflection of our nation's humanitarian traditions, economic growth, and international obligations. The current approach being taken to H.R. 418 does not serve our national interests in a fair or constructive manner.